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H – 4048

International Court of Justice

H4048 – 0002

I, CHARLES ERIC WAKEHAM of Caversham Park, Reading in the County of Berkshire, HEREBY MAKE OATH AND SAY as follows:-

(1) I am the acting Director of the Monitoring Service of the British Broadcasting Corporation.

(2) It was the function of the said Monitoring Service to monitor and record broadcasts emanating from any part of the world during the War 1939 to 1945, and particularly broadcasts emanating from enemy owned or enemy controlled stations. Such broadcasts were recorded and immediately transcribed from the said recordings by monitors expert in the language of the respective broadcasts.

(3) The document exhibited hereto contains extracts relating to the sinking of the "Athenia" which were broadcast from the German stations mentioned therein on the days and at the times also mentioned therein and which were recorded and monitored by the said Monitoring Service.

SWORN at 4 Chandos Place)
Cavendish Square in the)
County of London this)
18th day of June 1946)

C E Wakeham.

Before me,

J. V. Hayes.

A Commissioner for Oaths

B 041620

Exhibit

R.A. Hague
a Commissioner for Oaths.

EXTRACTS FROM GERMAN BROADCASTS ON THE SINKING OF THE "ATHENIA"

ZEESEN IN GERMAN: 4.15: 6.9.39.

..... After Germany's rehabilitation in connection with the Czenstochowa allegations, the German Press refutes accusations of the British Press that the German submarine had sunk the "Athenia". Churchill, as one of his first actions, ordered "Athenia" to be sunk in order to stir up anti-German feeling in the U.S.A.

ZEESEN IN ENGLISH: 21.15: 6.9.39

In the United States it is affirmed no protest to be lodged about Athenia. All circumstances surrounding sinking very mysterious, Britain trying make it second Lusitania case. Churchill took over Admiralty and departure was delayed several hours. Out-of-the-way route taken. Several Scandinavian ships sighted. British destroyer squadron in neighbourhood. U.S.A. Govt. had proof that no German warships or mines were in vicinity, when "accident" occurred, prepared by British Admiralty.

British propaganda disappointed as expected to make Roosevelt drop neutrality declaration and signing of embargo. American scepticism not only based on reports but on proofs. Dismal failure to lure Soviet Russia into British spider's web compels Britain to look for other victims and fools.

After U.S.A. won war for Britain with their money in 1918 British treated them with usual arrogance. The Babbits who threw millions of dollars into war were never repaid; America still waiting for money, which was refused.

Example of British ingratitude, when America urgently needed rubber, of which Britain had monopoly, British rubber merchants increased price and millions of dollars flowed into their pocket. This was thanks for help.

Churchill tries to harness U.S.A. Remember Lusitania, trick repeated now. Dear old "Randolph" calculated on proving it done by wicked Germans.....

.....Kitchener also was in way of Churchill. He had too many followers in the country, so he was sent on fool's errand to Russia. A well arranged accident was staged, in which the lives of a few hundred British bluejackets did not matter. The 1916 statement of Churchill from the Admiralty that Kitchener was saved alive and taken on board steamer is without foundation. Churchill and Kitchener were always at daggers drawn.

Athenia was torpedoed by British and they will not fool the world or U.S.A. Their tricks have been repeated too often.

DEUTSCHLANDSENDER IN GERMAN: 22.10 BST: 6.9.39.

British lie campaign continues, attempts being made to inculpate Germany with torpedoing of Athenia. All methods of unfair propaganda being used. "V.B." says Churchill and Ministry of Information should answer question how long it took for rescue ships to reach "Athenia". Answer to this would inevitably establish who was guilty.

INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
GB Exhibit 526
Filed 7/3/46
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DEUTSCHLANDSENDER IN GERMAN: 17.30: 7.9.39.

Angriff writes Athenia is only a new Lusitania trick of British propaganda. Britain torpedoes boats for benefit of America. Up to her old tricks and lies. Strong lier must be countered with strong measures. Churchill and Information Ministry try to repair damage done to their story but their arguments are taken from them. London alleges that Germany knew about gold on Athenia even before London authorities knew. London try to make out Athenia sinking was work of I.R.A. but poor Irish had no means to have squadron of rescue ships on the spot, nor could they provide witnesses.

HAMBURG IN GERMAN: 19.30: 7.9.39.

..... Another lie, however, not yet admitted by England; we therefore ask again when will Churchill apologise for torpedoing of Athenia?// High Command of German navy again states:

(1) each unit of German fleet has received command to conform in every detail to rules of international maritime warfare

(2) there were no units of German navy in area in question

(3) consequently impossible to connect German navy in any way with loss of Athenia

(4) attempt, in spite of official German denials, to blame sinking of Athenia on German fleet typical product of incitement through false reports.

ZEESEN IN ENGLISH: 02.30: 11.9.39.

The Old Recipe

Sinking of Lusitania struck heart of America. It is doubtful if America would have come into war if it had not been sunk. This fact comes home to us when we read that Athenia was torpedoed. Who fired torpedo? Indignation is sweeping America. Germany restricts her attacks to military objectives, and Fuehrer knows his soldiers will obey his orders. No German ship was in locality when Athenia sank. We know another Lusitania is needed by British public to appeal to heart of American public. Churchill reports that Athenia sank very quickly. It is strange that there was a sufficient number of ships near as if waiting to take off passengers, and that immediately after disaster a list of passengers was published in American papers. This is too good to be true. Many have not forgotten British propaganda during Great War. "New York Times" doubts the truth of British reports and states it would have been too stupid for Germans to have sunk ship. Who fired torpedo? Perhaps Mr. W.C. will tell us.

DEUTSCHLANDSENDER IN GERMAN: 22.00 BST: 25.9.39.

Churchill's guilt in "Athenia" incident becomes more obvious through a new document. German Press published on 21st September facsimile of letter of 29th August of Cunard Star Line, instructing all German branches not to accept bookings of German passengers, for S.S. Athenia. London Head Office gave as explanation change of itinerary. This was only pretext as "Athenia" left punctually according to itinerary on 2nd September. Embarrassed by publication, Churchill induced London Head Office of Cunard to issue denial of writing of letter. Cunard issued denial on 22nd September. Churchill would have done better to be silent, because already next day, day before yesterday, investigation in Cunard offices in Berlin showed that London denial was false. Cable of London Head Office was found, in which German branches instructed not to take any bookings.

Following questions to be addressed to Churchill: Why did Cunard attribute annulment of bookings and refusal to take new bookings to change of itinerary, when Athenia in fact left according to plan? Why was it that German passengers were prevented from sailing on Athenia? Reply: Because Churchill wanted to

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avoid German eye-witnesses of his torpedoing. He wanted to replace Germans by American passengers. Why did you, Mr. Churchill, induce Cunard to issue full denial? Reply: You recognised danger which might threaten by publication of Cunard correspondence. Mr. Churchill, you didn't succeed in escaping from the ever-tightening bonds of guilt. Publication of document in Berlin Press has once and for ever exposed Churchill's guilt and all attempts of London authorities to veil First Lord's responsibility.

DEUTSCHLANDSENDER IN GERMAN: 19.55: 1.10.39.

Talk by Hans Fritsche

Forgive me, listeners, if I do not give you usual talk on events of day, but speak above your heads to First Lord of Admiralty, Mr. Winston Churchill. I cannot prevent anyone from listening, but I address myself to Churchill personally.....

.....

Honourable and estimated Sir, this is most awkward question. How did you have "Athenia" sunk? Were you not at all concerned about fate of one and half thousand persons, where there was not certainty that they could be saved by ships standing by, and were in fact not all saved? Did you really think that anyone in world would believe that Germany could be so foolish as to commit action right at beginning of war to see whether U.S.A. could not be brought into war? We have many more questions, but this is question of questions. Did you find commander of British submarine who was willing to shoot on own ship, or did you have to have infernal machine built into ship before beginning of voyage?

We wait for your answer at 21.30, and we will reply to your answer at 23.00.

GERMAN HOME STATIONS IN GERMAN: 12.30: 7.10.39.

Who sunk Athenia? Question asked by Swedish paper "Svenska Volkssocialist". Asserts England tried to use this incident as used "Lusitania" sinking in World War to drive America into war. After sinking warlike spirit against Germany spread over America. Now, one must ask, would Germans not have been stupid if they had really sunk it? We know German military command corresponds to diplomatic successes. Clear now sinking not in German interest but in British. Further explanation not necessary. Circumstances point to sinking by English having been well prepared. Paper demands English propaganda in Sweden should be forbidden as represents danger for Swedish people; lies about Athenia prove that anew.

ZEESEN IN GERMAN: 10.30: 7.10.39

..... Swedish paper asks: In whose interest was sinking of Athenia? We know, says paper, that Germany has connected direction of war very cleverly with great diplomatic successes and would not commit capital mistake of sinking this ship and risk war with U.S.A. Swedish paper says Churchill alone is at fault.

GERMAN HOME STATIONS IN GERMAN: 20.03: 15.10.39

Sinking of "Royal Oak" made great impression in Washington circles. American naval experts point out that one single torpedo was enough to cause sinking of battleship in few minutes. With this, Admiralty admitted against own will effect of German torpedo. This effect is contrasted with effect of other alleged German torpedo: "Athenia" took hours to sink ... Churchill is caught in his own toils. Unconsciously he admitted by statement on torpedo against "Royal Oak" that torpedo against "Athenia" cannot have been a German one. People do not believe that British submarine commander was found to sink ship of his country's navy in service of political ends. We, however, are convinced time bomb was put into ship's hull. This is only explanation for fact that so many ships were there in time to help.

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GERMAN HOME STATIONS IN GERMAN: 17.00: 18.10.39.

A new witness against Churchill's Athenia lie turned up in America. Mr. Anderson (?) from Illincis, has been questioned by Washington's State Department. He declared on oath: "Lamps in ship were burning for hours after alleged hit. Ship sinking for fourteen hours. Three British destroyers were near Athenia." Investigations made by the State Department about reliability of witness turned out very satisfactorily. State Department preparing publication of White Book concerning these reports.

DEUTSCHLANDSENDER IN GERMAN: 00.00: 20/21.10.39.

Sworn testimony of American Anderson regarding Athenia, an unbiassed witness, proves Churchill sent hundreds of innocents to their death.....

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ALL GERMAN STATIONS: 20.15: 22.10.39.

Goebbels' speech: Accused Churchill Has Ear of Court

Regret to have to interrupt your usual Sunday evening program to put some very urgent questions to your First Lord, which demand to be answered. He does not even try to answer accusations poured out by our radio and press for last weeks in all European languages himself, but simply allows anonymous persons to make statements on English radio and in press, and evidently thinks he can settle the business with a démenti. There can, however, be no more question of this. Firstly, because our accusations and those of neutral witnesses have been made so precisely that cannot be denied, second because any démenti of Churchill's has no value in Germany, neutral states or even England, after his well-known lies, and thirdly because precise questions demand precise answers. Churchill is accused before world tribunal of public opinion. That is why I am speaking tonight.

Churchill tries to brush aside accusations of German press and radio with movement of his hand. But he must reply to a German Minister if he does not want his silence to prove him guilty. This war is his work, he even boasts about it, and nations accuse him of it. He has become European danger. He should not try and escape like a rabbit in a wood. But we shall know how to snare him. We have plenty of experience in dealing with people of his type, and know what sort of treatment to give them, and if we have to use hard word sometimes, we can only say some people's wisdom teeth have to be smashed before they stop lying and speak truth. But he cannot stick to his lies if he has an equal or superior opponent. That happened in last war and this is why his methods did not succeed that time. Today things are different: he stands before N.S. Germans. In our long history, we have so often dealt with lazy opponents, that we don't doubt we shall deal successfully with him too. Lazy excuses are no good. If he wants to bring counter-accusation, it will only make us smile.

You, Mr. Churchill, after sinking of Athenia, informed world that this British ship with Americans on board was torpedoed by German submarine. This invention was made with the transparent object of discrediting Germany in the eyes of the world and bringing America into the war. You have no proof for this lying and crafty statement. Why then, did you take all measures to ensure that no German passengers were on board?

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Why should you have excluded German passengers from voyage? You have excluded them to avoid disagreeable witnesses of your criminal action that you were about to commit. Since your first announcements about sinking of Athenia which you have trumpeted out into the world we have not been idle and in shortest time we have succeeded in furnishing circumstantial evidence to prove absolute truth. After a few days only it had to be regarded as established that German torpedoes were not concerned with sinking of Athenia. You declared, despite our arguments, that our reports caused laughter in England and the whole world. But nobody has been laughing except you and even you have been laughing with embarrassment and bad conscience only. But now even you have stopped laughing. You thought you would succeed again the same as in 1917 in dragging U.S.A. into European conflict. You hoped during further development of affairs the original cause, the sinking of the Athenia, which had to be ascribed to your own machinations, would easily be forgotten.

But America has withstood your shell-burst of propaganda. In decisive days and hours America has not lost her nerve. But now you must speak up, Mr. Churchill, because the case of the Athenia is not finished with the failure of your plans, nay, it only starts with it. We have forgotten nothing and we will not allow grass to grow over the case. Again and again we have attacked you, Mr. Churchill, in articles, broadcasts and so on. You tried, like everyone with a bad conscience, to lie low or to speak about things quite different from the things that mattered. You know us badly, Mr. Churchill. We will not give way. And no lie on your part, however impertinent, will make us silent. We have got our claws into you and the best thing for you would be to stop playing the harmless, unconcerned gentleman and to speak up frankly and loudly, for we shall not cease to chase you until you answer our questions. We will continue shouting: Stand, knave, and answer!

We have published in yesterday's German Press the testimonial of an unbiassed witness, Mr. Anderson from Illinois, and have thus furnished another clear proof that you, Mr. Churchill, have sunk the Athenia through three English destroyers. Now we demand an answer to the following questions until you admit your guilt:-

1. How could you, Mr. Churchill, speak of German torpedoes in your first announcement, in spite of the fact you, as First Lord of the Admiralty, knew very well and had to know that it was three British destroyers that sank the Athenia.

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2. How could you have tried to make the world believe that the Athenia would have stayed afloat for fourteen hours after a hit by your invented German torpedoes, while your giant battleship Royal Oak had sunk in a few minutes in consequence of German torpedo.

3. Why have you not said anything at all about the fire of the three English destroyers until now, despite the fact that you as First Lord of the Admiralty had to know, and knew it.

The fire of the three British destroyers was the best piece of evidence pointing to the culprit. Why did you have to be reminded of this by Anderson and why did you wait until today with the announcement of this important fact, in an affair which might have drawn the U.S.A. into war, when you knew how important this circumstance was.

4. Where did you, Mr. Churchill, hire your questionable witnesses who, shortly after the disaster, were interviewed by the BBC and who have stated quite the contrary of what has been established as undeniable fact by a sworn statement of an unbiased witness.

5. And why do you now, Mr. Churchill, try to keep silent while you have flooded the world with your lies shortly after the sinking and why do you try to cover a subject so catastrophical for Britain and the world with a cloak of silence. This is not your usual self. In your books you are the most verbose chatterer of any British Minister. Your conceit alone would not have allowed you to leave laurels unplucked which were in your reach. Why are you so silent and quiet now. Does the knowledge slowly dawn upon you or are you afraid of inevitable consequences now? Do you think you can escape us by flight into silence? You are very much mistaken. You do not know us well. We will stick to your heels. We shall never accept your silence. We shall put you on the spot and force you to answer. It is proved for everyone that it was not German submarines that sank the Athenia. Your stroke against us was a stroke into emptiness. This does not settle the matter. The world demands to know who has sunk the Athenia. It is beyond doubt that she has not been sunk by German submarines. There is nothing left for you but to make a clean breast, and a frank confession that it has become the victim of your own criminal coup. The whole world waits with us for your confession. Out with the truth! You have never hesitated to bother the public with speeches and announcements of far less important matters. Into the House of Commons, Mr. Churchill, and speak, speak, speak.

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Not enough if Reuter again declares that Admiralty does not condescend to answer our tiresome questions. This, pardon me, Mr. Churchill, is no answer. It is a bad excuse, Mr. Churchill. You cannot escape answering for lack of time. You had time enough to invent fairly tales about sinking of German submarines, time enough to produce lyrical poems on heroic feats of British troops in France of which poilus had seen no trace. You had time to launch such exaggerated reports on German losses at Western Wall that French press had to pull you up and point out that obviously figure in your reports had one 0 too many. You had time to address from Commons German submarine commander alleged to be in British prison camp, at same hour when same commander gave interview in Berlin to foreign Press correspondents. Laughter of whole world did not prevent your going on in this way. You had time to affirm that a dog was only victim of Edinburgh raid at same moment when Admiralty published high figure of real victims. You will now find time to speak up on your own behalf. Come on, speak up Mr. Churchill.

But of course I know that we shall wait in vain. You cannot give us the truth we ask for firstly because it is against your well-known character and temperament and secondly because you would thus sign your own political death sentence. Therefore, permit me to give you some assistance. I will assume role of examining magistrate who wants to make it easier for a stubborn defendant to confess his crime. The mysterious case of Athenia is not really at all mysterious - it is mysterious only as long as one does not bring your guilt into the picture. But as soon as one does so it becomes most simple, most primitive but also most dastardly piece of knavery in modern history. It was like this.

Athenia had already left port before outbreak of war but you knew very well that England had intention of declaring war on Germany. And you knew that in this case the plan existed to make you, Mr. Churchill, First Lord of Admiralty. You wanted to celebrate your assumption of office, quite in tune with your character, with first big hit. You wanted to bring as dowry on entering office the entry of U.S. into war. When you prepared liner Athenia for an explosion which you planned in all details you arranged there should be no German passengers on board because they would have been most inconvenient witnesses. You sent circular to all branches of British shipping agencies asking them to exclude Germans from booking passages. You made them give as transparent reason for this that Athenia would change her course. She did not, but there were no German passengers to witness your crime, Mr. Churchill. You had everything carefully prepared for

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explosion which you knew you could command at any given time by wireless, and you arranged everything so that no trace could be found to bring final proof against you. Of course you did not prevent American passengers from going on Athenia because their loss might realise hopes you had for America's participation in war. You wanted American passengers to appear as victims of dastardly German naval warfare, as silent witnesses demanding U.S. entry into war. You also took measures to prevent explosion at an earlier moment than you thought useful. This is proved by Anderson's statement that smoking was strictly forbidden on Athenia. You timed explosion for moment when it suited your aims. And you had three British destroyers ready to rescue neutral passengers - of course rather doubtful witnesses - who were to give proofs you required. Obviously you remained all the time between departure and sinking of Athenia in continuous radio communication with vessel. You decided the minute for the explosion and were of course very angry when it was bungled, just as all minor details were bungled, as shown afterwards. Athenia simply would not sink. It stayed afloat for fourteen hours without sinking and then after fourteen hours of waiting in vain you ordered three British destroyers to shell ship in order to remove all traces of your crime. You hoped that probably no survivors would be found who could courageously tell the truth. You hoped perhaps also that witnesses would be so confused by panic that you could get your infernal lie accepted by world if only you ceaselessly impressed it on public opinion. Immediately after sinking of Athenia, you made, with much beating of drums, public announcement, which had obviously been prepared long in advance with all details. Press and wireless are witnesses of this. They had to publish what you wanted, not what they considered right. Then you worked on public opinion in U.S. All German assertions were brushed aside with a wave of your hand. Yet even so, America did not come into the war. She did not come along as you had hoped, therefore you retired to dark silence. Presumably you thought at the time that you would allow grass to grow on this story too. Surely this is how it was thought out and planned and carried out? Wasn't it, Mr. Churchill? And then that accursed Anderson in the U.S.A. exposed your swindle. Awkward, very awkward for you, Mr. C. Now you are really in the soup. And the whole world is waiting, understand me well, waiting for your reply, and they will wait no longer for this reply. Whole American press today publishes our

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detailed statements about sinking of Athenia, and in meantime, Anderson has appeared, and now Scripps Howard reports that another survivor of Athenia, American citizen, Helen Macdonald, reported, on second day after sinking, that British destroyer which rescued her fired several shots at Athenia, as it was alleged, to prevent floating hulk being danger to passing ships. That lazy excuse can only have been invented by you, Mr. C., and don't expect to put it over on us, because if Athenia had been sunk by torpedo from German submarine, it would never have kept afloat fourteen hours after hit.

But Mr. Churchill, we don't want to try and deceive each other! That won't work. You would have covered Athenia with gold and towed it to English or neutral harbour. We can already see in our mind's eye the international court of enquiry which would have been set up, and which would have nothing more to do than to declare that German submarine had torpedoed Athenia and then U.S.A. would have no alternative but to go to war against the infamous German Huns and barbarians. You wanted to have "corpus delicti" removed so as to cover up traces. But you did not reckon with Anderson and Helen Macdonald, and now it is all most unpleasant for you. Above all, Anderson will get on your nerves. You obviously wanted to be able to say "Mortimer died most conveniently for me". Unfortunately, Mortimer is not dead, but lives and has arisen from dead as witness against you, Mr. Churchill, a witness so clear, so evident and so undisputed that nothing can be done against it. That is how it is, that's how it is with you, Mr. C. Any other man who had been accused as we are accusing you, would either stand his man and reply, or retire into shame and disgrace. But you made your pitiful attempt to produce political lie to effect that atmosphere in Berlin was bad on account of signing of Turkish Agreement, and therefore you have been accueed by Berlin radio once more of sinking Athenia and denounced as a criminal. All American publications, of course, have published this report, but London radio has not told its eager listeners one word. Only reported that you, Mr. C., had been created Colonel of Artillery, on account of your shooting practice at Athenia.

London wireless talks of atmosphere in Berlin. Why should Berlin atmosphere be depressed? On contrary, successful attacks against R.O., Firth of F. and other successful attacks, all have put us in best atmosphere. And if London

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wireless does not report your misdeeds, Mr. C., then German radio will have to do it. The Athenia case is not finished, on contrary, it has become Churchill case, and that has become English case. Question arises of whether criminal can still be left in same office, or whether whole world opinion does not finally consider it more important to get rid of unscrupulous liar. This must be decided by you and by England. We are waiting for the answer. Answer quickly and thoroughly. Do not make any excuses and talk beside the point. There is no doubt that you, Mr. C., would be found by every court in whole world to be guilty. You now stand before world opinion, it can also judge and will judge, more loudly and clearly than ever before. You have heard what our accusation is. We have arranged for this accusation to be broadcast tonight to all countries in the world and in every language on earth. Now it is your turn to speak. We are waiting eagerly for your reply. First Lord of British Admiralty has ears of the court.

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DATED 1946

A F F I D A V I T

-by-

CHARLES ERIC WAKEHAM

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